

Amendments to the Claims

Claim 1 (Currently amended): Hybrid maize seed designated 38T27, representative seed of said hybrid 38T27 having been deposited under ATCC accession number ~~PTA-4267~~ PTA-4270.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

Claim 5 (Currently amended): A tissue culture of regenerable cells or protoplasts of said cells of a hybrid maize plant 38T27, representative seed of said hybrid maize plant 38T27 having been deposited under ATCC accession number ~~PTA-4267~~ PTA-4270.

E/ Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts of said cells having been isolated from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Currently amended): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 38T27, representative seed having been deposited under ATCC accession number ~~PTA-4267~~ PTA-4270.

Claims 8-19 (Previously canceled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-32 (Previously canceled)

Claim 33 (Currently amended): A method of making a hybrid maize plant designated 38T27 comprising:

crossing an inbred maize plant GE533329, deposited as ~~PTA-4340~~ PTA-4286 with a second inbred maize plant GE501400, deposited as ~~PTA-1715~~ PTA-1282; and developing from the cross said hybrid maize plant representative seed of which having been deposited under ATCC Accession Number ~~PTA-4267~~ PTA-4270.

Claims 34-42 (Previously canceled)

Claim 43 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that confers insect resistance into at least one of inbred maize parent plants GE533329 and GE501400, representative samples of which have been deposited as PTA-4286 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 44 (New): The maize plant produced by the method of claim 43 wherein said mutant gene or transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide.

Claim 45 (New): The maize plant produced by the method of claim 43.

Claim 46 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that confers herbicide resistance into at least one of inbred maize parent plants GE533329 and GE501400, representative samples of which have been deposited as PTA-4286 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 47 (New): The maize plant produced by the method of claim 46 wherein said mutant gene or transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a mutant gene or transgene conferring imidazolinone resistance and a mutant gene or transgene conferring sulfonylurea resistance.

Claim 48 (New): The maize plant produced by the method of claim 46.

Claim 49 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that confers disease resistance into at least one of inbred maize parent plants GE533329 and GE501400, representative samples of which have been deposited as PTA-4286 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 50 (New): The maize plant produced by the method of claim 49.

Claim 51 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a gene that confers male sterility into at least one of inbred maize parent plants GE533329 and GE501400, representative samples of which have been deposited as PTA-4286 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 52 (New): The method of claim 51 wherein said F1 hybrid maize plant further comprises said gene that confers cytoplasmic male sterility.

Claim 53 (New): The maize plant produced by the method of claim 51.

Claim 54 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a gene that encodes a product that confers imidazolinone resistance into at least one of inbred maize parent plants GE533329 and GE501400, representative samples of which have been deposited as PTA-4286 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 55 (New): The maize plant produced by the method of claim 54.

Claim 56 (New): A method of making an F1 hybrid maize plant comprising:

1) introgressing a mutant gene or a transgene that encodes a product that modifies fatty acid metabolism, that decreases phytate content, or that modifies starch metabolism into at least one of inbred maize parent plants GE533329 and GE501400, representative samples of which have been deposited as PTA-4286 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 57 (New): The maize plant produced by the method of claim 56.

Claim 58 (New): The maize plant produced by the method of claim 43 wherein said maize plant exhibits no statistically significant variation from 38T27, other than variation caused by the addition of said mutant gene or transgene, and wherein significance is determined at a 5% significance level when grown in the same environmental conditions as 38T27.